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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/768,293
	Filing Date	1/29/2004
	First Named Inventor	Joshua D. Rabinowitz
	Art Unit	Not yet known
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	00035.09CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905	Customer Number 37485
Signature		
Date	SEP. 24 2004	

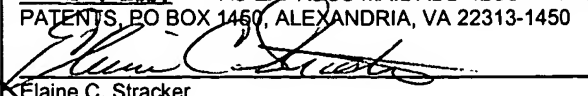
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Elaine C. Stracker



PATENT  
Attorney's Docket No.: 00035.09CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.  
Serial No.: 10/768,293  
Filed: 1/29/2004  
Title DELIVERY OF ANTIHISTAMINES THROUGH AN INHALATION  
ROUTE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Please direct all correspondence to the following customer number.

Respectfully submitted,

Date: SEP. 24 2004

  
Elaine C. Stracker J.D., Ph.D., Reg. 43,166

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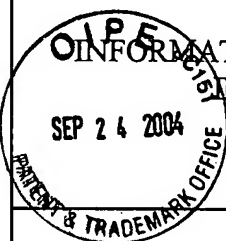
Docket Number: 00035.09CON

Application Number: 10/768,293

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/29/2004

Group Art Unit: Not Yet Known



# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

SEP 24 2004

(Use several sheets if necessary)

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Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	03/31/1992	5,099,861	Clearman et al.			
	6.	02/14/1995	5,388,574	Ingebretsen			
	7.	10/03/1995	5,455,043	Fischel-Ghodsian			
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	12.	04/14/1998	5,738,865	Baichwal et al.			
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	24.	10/17/2000	6,133,327	Kimura et al.			
	25.	06/05/2001	6,241,969	Saidi et al.			

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Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/29/2004

Group Art Unit: Not Yet Known

	26.	07/03/2001	6,255,334	Sands			
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	34.	08/22/2002	US 2002/0112723	Schuster et al.			
	35.	11/28/2002	US 2002/0176841	Barker et al.			
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	37.	02/13/2003	US2003/0032638	Kim et al.			

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	38.	08/04/2003	10/633,876	Hale et al.			
	39.	08/04/2003	10/633,877	Hale et al.			
	40.	12/30/2003	10/749,537	Rabinowitz et al.			
	41.	12/30/2003	10/749,539	Rabinowitz et al.			
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	51.	01/29/2004	10/768,281	Rabinowitz et al.			
	52.	01/30/2004	10/769,046	Rabinowitz et al.			

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Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/29/2004

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	53.	01/30/2004	10/769,051	Rabinowitz et al.			
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	81.	01/16/2003	US 2003/0012737	Rabinowitz et al.			
	82.	01/16/2003	US 2003/0012738	Rabinowitz et al.			

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	83.	1/16/2003	US 2003/0012740	Rabinowitz et al.			
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	106.	07/01/2004	US 2004/0126326	Rabinowitz et al.			
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	111.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
	112.	08/12/2004	US 2004/0156788	Rabinowitz et al.			

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number: 00035.09CON		Application Number: 10/768,293	
	Applicant: Joshua D. RABINOWITZ et al.			
	Filing Date: 1/29/2004		Group Art Unit: Not Yet Known	

	113.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
	114.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	115.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	116.	03/14/1990	EP 0 358 114	Europe			
	117.	07/03/2001	EP 1 080 720	Europe			
	118.	08/29/2001	EP 0 606 486	Europe			
	119.	04/16/1992	WO 92/05781	WIPO			
	120.	04/11/1996	WO 96/09846	WIPO			
	121.	05/09/1996	WO 96/13161	WIPO			
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	125.	10/03/1996	WO 96/30068	WIPO			
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	127.	05/28/1998	WO 98/22170	WIPO			
	128.	07/23/1998	WO 98/31346	WIPO			
	129.	08/27/1998	WO 98/36651	WIPO			
	130.	04/08/1999	WO 99/16419	WIPO			
	131.	12/16/1999	WO 99/64094	WIPO			
	132.	01/06/2000	WO 00/00176	WIPO			
	133.	01/06/2000	WO 00/00215	WIPO			
	134.	05/18/2000	WO 00/27363	WIPO			
	135.	05/25/2000	WO 00/29053	WIPO			

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Form PTO-1449

Docket Number: 00035.09CON

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# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/29/2004

Group Art Unit: Not Yet Known

	136.	09/17/2000	WO 00/47203	WIPO			
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	140.	12/21/2000	WO 00/76673	WIPO			
	141.	01/25/2001	WO 01/05459	WIPO			
	142.	03/15/2001	WO 01/17568	WIPO			
	143.	03/28/2002	WO 02/24158	WIPO			

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(including author, title, Date, Pertinent Pages, Etc.)

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	144.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
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	148.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology.</i> 32(5):591-600.
	149.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology.</i> 93(3): 619-628.
	150.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
	151.	Gonda, I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <i>The Lung: Scientific Foundations</i> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.

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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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	152.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry &amp; Behavior</i> . 36(1):1-7.	
	153.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 $\mu$ m," <i>J. Aerosol Sci.</i> 17(5):811-822.	
	154.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.	
	155.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.	
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	160.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.	
	161.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE"	
	162.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.	
	163.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.	
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	166.	Vapotronics, Inc. (1998) located at <a href="http://www.vapotronics.com.au/banner.htm">http://www.vapotronics.com.au/banner.htm</a> , 11 pages, (visited on June 5, 2000).	
	167.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology &amp; Therapeutics</i> 62(6):596-609.	
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Application Number: 10/768,293

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION*(Use several sheets if necessary)*

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/29/2004

Group Art Unit: Not Yet Known

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| 168. | Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry &amp; Behavior</i> . 55(2):237-248. |
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EXAMINER:

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